United Nations CRPD/CSP/2018/2

Convention on the Rights of Persons with Disabilities

Distr.: General
29 March 2018

Original: English

Conference of States Parties to the Convention on the Rights of Persons with Disabilities
Eleventh session
New York, 12–14 June 2018
Item 5 (b) (i) of the provisional agenda*
Matters related to the implementation of the Convention: round table discussions

National fiscal space, public-private partnerships and international cooperation for strengthening the implementation of the Convention on the Rights of Persons with Disabilities

Note by the Secretariat

The present note was prepared by the Secretariat in consultation with United Nations entities, representatives of civil society and other relevant stakeholders to facilitate the round-table discussion on the theme "National fiscal space, public-private partnerships and international cooperation for strengthening the implementation of the Convention on the Rights of Persons with Disabilities". The Secretariat hereby transmits the note, as approved by the Bureau of the Conference, to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities at its eleventh session.

* CRPD/CSP/2018/1.

18-05003 (E) 100418

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Introduction

1. The present note on the theme "National fiscal space, public-private partnerships and international cooperation for strengthening the implementation of the Convention" provides an overview of how the financing of disability-inclusive policies and programmes supports the implementation of the Convention and the realization of the 2030 Agenda for Sustainable Development with regard to persons with disabilities. The evidence indicates that persons with disabilities have considerable opportunities to exercise their rights by using all of the resources available to them.

2. National fiscal space, public-private partnerships and international cooperation need to be explored further as sources of funding for disability-inclusive policies, programmes and projects, with a view to ensuring the full realization of the human rights of persons with disabilities in a non-discriminatory manner. It is also important to note that factors other than a lack of financial resources can perpetuate the political, economic and social exclusion of persons with disabilities from institutions, mechanisms and decision-making processes.

International normative frameworks

3. The Convention, a human rights instrument with an explicit social development-related dimension, sets out the obligation of States to ensure the realization of all the human rights of persons with disabilities. It identifies areas where adaptations have to be made in order for persons with disabilities to effectively exercise their human rights, areas where their human rights have been violated and areas where the protection of their human rights must be reinforced. It addresses the responsibility of States with regard to accessibility, independent living and inclusion in the community, personal mobility, inclusive education, health, habilitation and rehabilitation, work, an adequate standard of living and social protection, as well as international cooperation in implementing the Convention (articles 9, 19, 20, 24–28 and 32).

4. In 2013, at the High-level Meeting of the General Assembly on the realization of the Millennium Development Goals and other internationally agreed development goals for persons with disabilities, an action-oriented outcome document (resolution 68/3) was adopted in which the following commitments were made:

(a) Strengthen social protection for meeting disability-related needs and promote access to relevant schemes based on social protection floors, including income support, and access to appropriate and affordable services, devices and other assistance;

(b) Encourage the mobilization of public and private resources on a sustainable basis to mainstream disability in development at all levels, and encourage private sector entities to partner with the public sector and civil society;

(c) Encourage regional and international development banks and financial institutions to include disability in all their development efforts and lending mechanisms.

5. In the 2030 Agenda, Member States made a commitment to achieving universal targets that also apply to persons with disabilities through nationally owned sustainable development strategies, supported by integrated national financing frameworks and effective international cooperation, in line with article 32 of the Convention.

6. The Addis Ababa Action Agenda of the Third International Conference on Financing for Development (resolution 69/313), adopted in 2015, constitutes an important contribution to the implementation of the 2030 Agenda in an inclusive manner, taking into consideration the rights of persons with disabilities. In the Addis Ababa Action Agenda, Member States made a commitment to:

(a) Providing social protection to persons with disabilities;

(b) Facilitating the development of infrastructure that is accessible to persons with disabilities;

(c) Encouraging the full participation of persons with disabilities in the labour market;

(d) Delivering quality education to all by reaching children with disabilities;

(e) Upgrading education facilities to make them disability-sensitive;

(f) Facilitating the accessibility of technology for persons with disabilities;

(g) Increasing and using data disaggregated by disability.

7. Official development assistance (ODA) is important to the mobilization of public resources in countries with limited capacity and, accordingly, in the Addis Ababa Action Agenda, developed countries are urged to step up efforts to increase their ODA and make additional specific efforts towards reaching ODA targets. Building on that, Member States, at the 2017 forum on financing for development, recommitted themselves to ensuring that no country or person would be left behind and to focusing their efforts where the challenges were greatest, including by ensuring the inclusion and participation of those who were furthest behind (E/FFDF/2017/3, para. 3).

Issues and challenges

8. Dedicated investment is needed to tackle the economic and social inequalities that may otherwise leave persons with disabilities behind. The obligations set out in the Convention have financial implications, including the costs of making the physical environment accessible, running public awareness-raising campaigns, training public officials in the rights of persons with disabilities and providing support to enable children with disabilities to receive an inclusive education. Those obligations exist within and beyond borders and are therefore relevant to international cooperation as well as to national fiscal policy and public-private partnerships.

9. A shortage of data on disability makes it difficult to form a complete picture of the levels of national public financing allocated to realizing the rights of persons with disabilities.

10. In general, more data are available on social protection than on other rights, and they indicate that in 2016, only 28 per cent of persons with severe disabilities worldwide received disability benefits. Whether social protection addresses the inclusion of the persons with disabilities who receive it depends on not only the coverage but also on the adequacy of transfers. In some cases, the benefits received may be insufficient to guarantee income security and close income gaps among groups (see A/72/211).

11. Approximately 48 per cent of Member States provide periodic disability benefits through partially or fully non-contributory schemes and 44 per cent offer

only contributory cash schemes.[1] In States where partially or fully non-contributory schemes are offered, 27 countries offer disability programmes universally. In 60 countries, eligibility for the disability programme is means-tested. Important regional differences have been observed regarding the nature of coverage.

12. In line with the aim of achieving equality of both outcomes and opportunity for all citizens, it is important that social protection policies be embedded in broader social policies relating to persons with disabilities. This is in keeping with the purpose of the Convention, namely to promote, protect and ensure the full and equal enjoyment of all human rights and fundamental freedoms by all persons with disabilities, and to promote respect for their inherent dignity. For example, for persons with intellectual and psychosocial disabilities, there is a cost for removing societal barriers and realizing community inclusion: making the transition from institutions to communities. Investments should be made to create a solid base of evidence on inclusive schooling. Other fiscal arrangements include the cost of reasonable accommodation, such as for personal assistance, sign language interpretation, guide dogs and so on.

13. The obligations of States parties under the Convention extend to their interaction with the private sector. Not only do States have an obligation to protect the rights of persons with disabilities from infringement by the private sector or other actors, they must also take positive steps in that regard, such as by promoting the employment of persons with disabilities in that sector. The International Labour Organization (ILO) has established the ILO Global Business and Disability Network, composed of multinational companies, employers' organizations and business networks, along with organizations of persons with disabilities and other resource groups, to help companies to include persons with disabilities in the workplace and in their strategic business plans. The Network, a business-led, member-based initiative, fosters the development of a workplace culture that is respectful and inclusive and that promotes the hiring, retention and professional development of persons with disabilities.[2]

14. At the national level, the use of public-private partnerships to finance services for persons with disabilities and to promote their inclusion in society should carried out on the basis of the Convention, following a rights-based approach and ensuring full transparency and accountability. More research is needed on the impact of public-private partnerships on persons with disabilities.

15. Since the adoption of the Convention, in 2006, international cooperation has played an increasingly important role in the financing of programmes specifically for persons with disabilities. While the global commitment to ensuring the recognition of the rights of persons with disabilities in development programmes has increased, financing remains low compared with financing for other marginalized groups, and, according to the Organization for Economic Cooperation and Development, it is still rare for mainstream development programmes to be fully inclusive of persons with disabilities.

16. The United Nations Partnership to Promote the Rights of Persons with Disabilities has annual commitments of between $3 million and $5 million. By comparison, for delivering on commitments made in the Convention on the Rights of the Child, the United Nations Children's Fund has $6 billion, and for delivering on commitments made in the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations Entity for Gender Equality and

[1] See International Labour Office, *World Social Protection Report 2014/15: Building economic recovery, inclusive development and social justice* (Geneva, 2014).

[2] See www.businessanddisability.org/index.php/en/.

the Empowerment of Women has $750 million in annual commitments. This discrepancy in commitments for persons with disabilities heightens their risk of being left behind by the United Nations system.

17. The Global Action on Disability Network, a coordination body that comprises bilateral and multilateral donors and agencies, the private sector and foundations working to enhance the inclusion of persons with disabilities in international development programmes and humanitarian action, is an example of a mechanism for international cooperation. The Network, co-chaired by an organization of persons with disabilities and a rotating donor country, works to strengthen existing partnerships and include the rights of persons with disabilities in global development initiatives, thus raising the profile of the rights of persons with disabilities at the global, regional and national levels.

The way forward

18. To achieve the ambitious 2030 Agenda and ensure that "no one will be left behind", it is imperative that enhanced national fiscal space be made available to persons with disabilities, that international cooperation enhance the inclusion of persons with disabilities in development programmes and that private sector engagement be aligned with the Convention. Those conditions will require the meaningful participation of persons with disabilities and their organizations as agents and beneficiaries of development at all stages of the process of financing for development.

19. Efforts to enhance public-private partnerships for the financing of disability-inclusive policies should be in full compliance with the Convention, following a rights-based approach and ensuring transparency and accountability.

20. International cooperation in the form of ODA, if properly directed, can drive inclusive development and facilitate the access of persons with disabilities to education, employment, social protection, information and communications technology and other opportunities, services and infrastructure. Moreover, reversing the decline in the share of ODA to the least developed countries, as pledged in the Addis Ababa Action Agenda (resolution 69/313, para. 52), could also help those countries to move towards disability-inclusive development. In the Addis Ababa Action Agenda, Member States and the business sector are also encouraged to work in partnership with regional and national organizations. If disability organizations are included, the needs of persons with disabilities can be better addressed in financing for development. In addition, taking the following measures can facilitate financing for disability-inclusive development:

(a) Turning accessibility into a key criterion for the mobilization and execution of national and international resources, which would ensure that access to services and infrastructure is available to all from the start;

(b) Progressively increasing the amount of national and international resources allotted to disability-related support services, such as assistive devices, community-based services, social protection schemes and support for employment and self-employment;

(c) Using a disability-inclusive approach in the design, implementation, financing and monitoring of budgetary and fiscal policies;

(d) Disaggregating data by disability in order to achieve transparency and accountability and ensure that financing for sustainable development reaches the most marginalized populations.

21. As we move forward, the following points should be considered:

(a) Governments should progressively increase their allocation of dedicated national resources in order to support the effective inclusion of persons with disabilities and the implementation of the Convention;

(b) Stakeholders should explore possible models of public-private partnership for advancing the rights of persons with disabilities, in line with the Convention; private sector actors should respect the rights of persons with disabilities, whether or not they are working in partnership with the public sector; and, with a view to supporting the implementation of the Convention and achieving the Sustainable Development Goals, private finances should be complementary to government financing for persons with disabilities;

(c) Agencies that engage in international cooperation must include disability in their development aid programmes, using mainstreaming and a targeted approach;

(d) In order to demonstrate that the commitment to leaving no one behind includes persons with disabilities, it is suggested that disability resource allocation be tracked and reported on at the national and global levels, including in the United Nations system; persons with disabilities should be included as experts in all resource allocation processes.

Questions for consideration

22. The following questions are presented for consideration at the round-table discussion:

(a) What efforts have Governments put forth to change or design their national fiscal space in order to be more responsive to the rights of persons with disabilities (e.g., in their national tax system, in particular, by providing tax advantages for persons with disabilities)?

(b) How can engaging in inclusive dialogue with representatives of civil society and national human rights institutions on the issues of national fiscal space, public-private partnership and international cooperation lead to strengthening the implementation of the Convention?

(c) What measures have Member States and the private sector taken to understand the opportunities that public-private partnerships provide to persons with disabilities, with a view to implementing the Convention and the 2030 Agenda for Sustainable Development?

(d) What recent good practices relating to international cooperation can be cited that have effectively benefited programmes and policies for persons with disabilities in the least developed and developing countries?

(e) How should the United Nations development system scale up in order to track financial commitments for the implementation of the Convention and the realization of the 2030 Agenda with regard to persons with disabilities?